

**Enrolled Minutes of the Eighth Regular or Special Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Business Meeting
Monday, March 23, 2020**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, January 13, 2020 at 6:30 O'clock P.M. in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Special note: This meeting was convened allowing members of the Town Council to participate electronically without being physically present, be counted in the quorum and be able to simultaneously listen and respond to matters taken up in the meeting, all pursuant to Governor Holcomb's Executive Order 20-04 allowing meetings, pursuant to IC 5-14-1.5-3.6 for the duration of the Corona Virus COVID 19 emergency. Social distancing and sheltering in place also ordered by the Governor as part of slowing the spread of the virus.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding. Once completed the Town Council moved to the plenary meeting. There was a discussion of a possible amendment to the introduced Ordinance No. 1715.

The Town Council President, Mark J. Schocke presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen offering a prayer and reciting the Pledge of Allegiance to the Flag of the United States of America.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Mark J. Schocke, Thomas Black (participating electronically) and Roger Sheeman (participating electronically). The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: John P. Reed, Town Attorney, was present.

Also present: John Breslin of the Council of Community Events; and Ed Dabrowski IT Director (Contract) were also present.

Minutes of the Previous Meetings: Councilor Zemen moved the approval of the minutes of the regular plenary meeting of March 9, 2020, the memorandum of the special meetings of March 13 and March 16, 2020. Councilor Herak seconded, upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The minutes were approved.

Special Orders:

1. **Consideration of Proposed Additional Appropriations:** (*non-controlled funds*) Proposed Additional Appropriations in Excess of the 2020 Budget for the Information Communications Technology Fund in the amount of \$25,000.00.
 - (a) **Attorney verification of Proofs of Publication:** The TIMES 11 March 2020. The Town Attorney indicated that the proofs of publication complied with the governing law, and were published at least 10 days before the hearing.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There was no public comment. The hearing was closed.

Action on Appropriation Enactment No. 2020-16: An Enactment Appropriating Additional Moneys in Excess of the 2020 Budget for the *Information Communications*

Technology Fund in the amount of \$25,000.00., all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2020-16 and moved for its consideration at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption of Enactment No. 2020-16 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2020-16**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the INFORMATION AND COMMUNICATIONS TECHNOLOGY FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Information Communications Technology Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Information Communications Technology Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

INFORMATION COMMUNICATIONS AND TECHNOLOGY FUND

| | | |
|------------------------------------|--------------------|---------------------|
| Acct. No. 030-0000-4XXXX Software: | | <u>\$ 25,000.00</u> |
| | Total Series: | \$ 25,000.00 |
| | Fund Total: | \$ 25,000.00 |

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 23rd Day of March 2020. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 23rd Day of March 2020, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark J. Schocke, President (IC 36-5-2-10)

ATTEST:

**/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)**

2. Consideration of Proposed Additional Appropriations: (controlled funds): Proposed Additional Appropriations in Excess of the 2020 Budget for the Works Board Department of the Corporation General Fund in the amount of \$39,083.00.

- (a) **Attorney verification of Proofs of Publication: The TIMES 11 March 2020.**
 The Town Attorney indicated that the proofs of publication complied with the governing law, and were published at least 10 days before the hearing.
- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments. The Town Council President closed the hearing. The Town Council President noted that this appropriation would be supported in part by a grant from the Little Calumet River Basin Development Commission, in the amount of \$30,000.
- (c) **Action on Appropriation Enactment No. 2020-17:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Works Board Department of the Corporation General Fund in the amount of \$39,083.00, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Zemen introduced Enactment No. 2020-17 and moved for its consideration at the same meeting of its introduction. Councilor Herak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Zemen moved for the passage and adoption of Enactment No. 2020-17 at the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
 APPROPRIATION ENACTMENT
 Enactment No. 2020-17**

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Works Board Department of the Corporation General Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Works Board Department of the Corporation General Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Works Board Department of the Corporation General Fund** and for the purposes herein specified, subject to the laws governing the same:

CORPORATION GENERAL FUND

Works Board Department

| | | |
|---------------------------------------|------------------------------|---------------------|
| Increase the following: | | |
| 001-0011-38004 Tree Landscape Project | | \$ 39,083.00 |
| | <i>Total 300 Series:</i> | \$ 39,083.00 |
| | Total for Department: | <u>\$ 39,083.00</u> |
| | TOTAL for the FUND: | <u>\$ 39,083.00</u> |

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 23rd Day of March 2020. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 23rd Day of March 2020, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark J. Schocke, President (IC 36-5-2-10)

ATTEST:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

3. Executive Proclamation: A Proclamation Recognizing APRIL 1, 2020 as Census Day in Highland. The Clerk-Treasurer read aloud the proposed proclamation. The Town Council President announced his approval and then executed the proclamation with his signature.

**TOWN OF HIGHLAND
PROCLAMATION OF the TOWN EXECUTIVE**

A PROCLAMATION RECOGNIZING APRIL 1, 2020 AS CENSUS DAY IN HIGHLAND

- | | |
|-----------------|---|
| Whereas, | The Decennial Census determines political representation to the United States House of Representatives, state legislatures and local government; and, |
| Whereas, | These determinations affect every aspect of life, in employment, social and health delivery services, and community resources; and, |
| Whereas, | The Town of Highland, through its elected officers, recognizes that a complete and accurate census count is necessary for the greater good of all residents of the Town; and |
| Whereas, | The Town of Highland, through its elected and appointed officers, enthusiastically endorses the efforts of the United States Census Bureau to make every resident aware of the importance of the Decennial Census; |
| Whereas, | It is further recognized that each and every resident, from the smallest rural community to the largest metropolitan area, is equally important to Indiana in the 2020 Census count, |
| Whereas, | The Town of Highland, through its Town Council, encourages all businesses, private and public institutions, media outlets, service organizations, community groups, clubs and individual residents of the community to lend full support to the all aspects of the 2020 Census, |
| Whereas, | The Town of Highland, through its Town Council, encourages all community members to cooperate with the census takers as they go door to door to count the residents of Highland, |

Now, Therefore, I, Mark J. Schocke by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim and designate **Wednesday, April 1, 2020**, as **CENSUS DAY** in the Town of Highland;

Be it Further Proclaimed, That I urge all residents of Highland to participate in, and respond to, the 2020 Census in a timely and proper manner, in order to ensure that there is an accurate, complete count in the Town of Highland

In Witness Whereof, I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 23rd day of March in the year of the common era 2020, the period of Highland's incorporation, one hundred-tenth and the Independence of the United States of America, the two hundred forty-fourth.

TOWN of HIGHLAND, INDIANA
BY ITS TOWN COUNCIL PRESIDENT

/s/ Mark J. Schocke

Attest:

/s/ Michael W. Griffin, Clerk-Treasurer

4. Order of the Municipal Executive No. 2020-12: An Order for the Temporary Waiver of Late charges by the Municipal Utilities and for a Temporary Moratorium on Cessation of Water Services or Shut-offs to Enforce Payment.

It was explained that the emergency circumstances required some added steps be taken to ease the impact on residents while continuing services for the utilities of the Town. The Proposed order of the municipal executive was summarized. Following this, the Town Council President announced his assent to its purposes and objects. The Town Council President executed the order with his signature.

THE TOWN of HIGHLAND
ORDER of the MUNICIPAL EXECUTIVE NO. 2020-12

AN ORDER FOR THE TEMPORARY WAIVER OF LATE CHARGES BY THE MUNICIPAL UTILITIES AND FOR A TEMPORARY MORATORIUM ON CESSATION OF WATER SERVICES OR SHUT-OFFS TO ENFORCE PAYMENT

Whereas, The President of the United States and the Governor of the State of Indiana have issued emergency declarations in consequence of the Corona Virus COVID-19 Pandemic;

Whereas, The Town of Highland, through its Town Council President, as the principal executive officer did to issue a finding and determination that an emergency exists sufficient to support the declaration of a *Local Disaster Emergency*, all pursuant to IC 10-14-3-29 and on March 16, 2020 did issue Proclamation of the Municipal Executive No. 2020-02;

Whereas, The Town Council, as Legislative Body, in order to allow the "*lawful alacrity of response and action of public resources*" clarified the executive powers of the Town Council President and extended his executive proclamation for a period of 28 days, which such period will expire on April 16, unless otherwise extended by the Town council as the legislative body of the Town;

Whereas, Section 3 of Executive Proclamation 2020-02 provides the Town Council President with the authority to furnish aid and assistance under disaster plans; and,

Whereas, The Town of Highland through its Town Council President has determine that as persons practice social distancing, they may experience reduction in or elimination of work, now desires to issue an order to bring temporary relief for a time certain owing to the circumstances as herein described, pursuant to lawful authority previously conferred,

Now Therefore Be it hereby Ordered by the Town Council President of the Town of Highland, Lake County, Indiana as follows:

Section 1. That pursuant to Indiana Governor Executive Order 20-05, that the effective from the date of this order for services incurred or accrued on April 1 and thereafter for a period of sixty days, unless extended, that cessation of water service or shut offs shall be suspended and not carried out by the municipality or its utilities;

Section 2. That effective from the date of this order for services incurred or accrued on April 1 and thereafter for a period of sixty days, unless extended, no delinquency or penalties shall be charged on services provided by the utilities, except that fees shall still be subject to the procedures set forth in IC 36-9-25-11-(g);

Section 3. That nothing in this order shall be construed to relieve utility customers of their obligation to pay their monthly user charges or to comply with ordinances, rules and regulations of the municipal utilities;

Section 4. That any actions described in this order but carried out prior to its execution, are hereby ratified and affirmed pursuant to IC 36-1-4-16

Section 5 That the Public Works Director and the Clerk-Treasurer are hereby directed to carry-out, execute, and honor the purposes and objects of this order in performing their usual duties outlined in Title 12 of the Highland Municipal Code;

BE IT SO ORDERED pursuant to and under the authority of Proclamation of the Municipal Executive No. 2020-02, further pursuant to IC 10-14-3-29 and Enactment No. 2020-20. Entered this 23rd day of March 2020 by the Town Council President of the Town of Highland, Lake County, Indiana.

TOWN of HIGHLAND, INDIANA
By its Town Council President

/s/ Mark J. Schocke, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

Comments from Visitors or Residents:

1. John Breslin, Highland, also a member of the Community Events Commission, spoke in favor of proposed Works Board Order No. 2020-1, which is adopted would approve an agreement with Mad Bomber, Inc., to provide Fireworks show services for Independence Day and New Year's Eve.

Mr. Breslin further spoke in favor of the agreement with Lounges Entertainment as recommended by the Community Events Commission. It was noted that undue delay would make securing bands for the summer festival more difficult.

There being no further public comment, the Town Council President closed the public comment portion of the meeting.

Communications:

1. Communication from the *Highland Census Complete Count Committee* regarding the status of its Implementation of the Action Plan for the March 23, 2020 Meeting.

The Town Council acknowledged the receipt of the communication from the Complete Count Committee as information and did not require it to be read aloud.

HIGHLAND 2020 CENSUS COMPLETE COUNT COMMITTEE
Town Council Staff Report- March 23rd Meeting

Upcoming activities include the following: Ongoing Census message on Park Department electronic marquees; Census messages on electronic signs in Highland, operated by Lamar sign company, as space is available; Census message at the electronic sign site on north Indianapolis Blvd. from March 24th through March 31st; I have asked for a Census message to be placed on the April water bill; a press release will be issued early next week; and, I will be working with The Idea Factory to get Census content on the town's website and April's Gazebo Express.

I have provided a Proclamation for President Schocke's approval at your March 23rd meeting.

Online response to the Census is already underway. Residents can go to my2020census.gov to respond. Residents will be sent additional reminders from the US Census Bureau throughout April. However, while online participation is being emphasized, everyone will have the option to complete the form either online (including through use of a smart phone), by mail or by phone.

Unfortunately, the COVID-17 challenge has altered plans that the Complete Count Committee had put together. As part of our town's Complete Count Committee's Action Plan, we hope to have opportunities for internet access available through the Highland Library and both the Civil and School Towns of Highland to residents who might need it, in order to encourage response to the Census online. Current closings of town, school and library facilities could likely make such plans unworkable, but the committee will continue to monitor the situation.

The virus response has also cancelled a planned outreach at the Chamber's "Breakfast With the Easter Bunny", which has been cancelled and a planned insert in the next newsletter to the Hampton-in-Highland complex. Whether additional activities can be done in mid-to-late April remains to be seen.

Respectfully submitted,
Lance Ryskamp- Co-Chair

General Orders and Unfinished Business:

- 1. Introduced Ordinance No. 1715:** An Ordinance to Amend Section 5.11.02 of the Highland compensation and Benefits Ordinance, Particularly Amending the Provisions Special Administrative Leave Under Extreme and Unexpected Circumstances concerning National Emergencies.

Councilor Zemen introduced and filed Ordinance No. 1715, at the Town Council meeting of March 16, 2020. There was no further action.

Councilor Herak moved to adopt Ordinance No. 1715. Councilor Zemen seconded.

Councilor Herak then moved to amend Ordinance No. 1715 with the following written language extending the emergency Administrative Leave provisions to all part-time workers, making the language more consistent with the recently federally adopted Families Special Emergency Family and Medical Leave Act and the companion Emergency Sick Leave Act. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The amendment to Ordinance No. 1715 was adopted.

On the motion to passed and adopt Ordinance No. 1715, now amended, there was a roll call vote. With five affirmatives and no negatives, the motion passed. The ordinance as amended was adopted.

Ordinance No. 1715
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND SECTION 5.11.02 OF THE HIGHLAND COMPENSATION AND BENEFITS ORDINANCE, PARTICULARLY AMENDING THE PROVISIONS SPECIAL ADMINISTRATIVE LEAVE UNDER EXTREME AND UNEXPECTED CIRCUMSTANCES CONCERNING NATIONAL EMERGENCIES

WHEREAS, IC 36-8-1 et.seq, and particularly IC 36-8-2-4 confer upon all local units, except Townships, the powers to "regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare.";

Whereas, On March 13, 2020, the President of the United States of America declared a National Emergency concerning the novel coronavirus, now more specifically known as COVID-19, and the State of Indiana, though the Governor and other authorities have proposed guidelines, bans, and various edicts concerning the conduct of society in light of the National Emergency;

Whereas, The Town Council determines that a change of the section regarding Special Administrative Leave amending the chapter to include certain guidelines related to the treatment of exempt and non-exempt

employees of the Town of Highland, along with some clarifying modifications, to be necessary and desirable in the administration of the municipality and of benefit to the Town of Highland Employees and the public.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Compensation and Benefits Ordinance be hereby amended as to Section 5.11.02, which shall hereafter read as follows:

5.11.02 Special Administrative Leave

A municipal employee may be granted administrative leave with pay and continuation of benefits in limited circumstances, where deemed necessary and appropriate. The leave shall not exceed ten (10) days but may be renewed or extended with the same approval needed for the initial grant of leave. The leave may not be initiated by the employee to whom the leave is granted, except in the case of an illness reasonably suspected by the employee to be the same illness that resulted in the declaration of a National Emergency as declared by the President of the United States.

(A) Categories of Employees and Treatment under this Section.

1. Full-Time Exempt Employees, regardless of the department of the Town in which they are so employed, shall be eligible for the application of this policy, to its fullest extent.
2. Full-Time Non-Exempt Employees who are required to work at least forty (40) hours per calendar week, and are eligible for overtime pay, regardless of the department of the Town in which they are so employed, shall be eligible for the application of this policy, to its fullest extent.
- ~~3. Part-Time Non-Exempt Employees, who are eligible for overtime pay, and work at least thirty (30) hours per week, shall be eligible for the application of this policy, but to a limited extent as more fully described in subsection (ii) below, unless:
 - ~~i. Said Employee has been employed by the Town of Highland for less than six (6) months, in which case this Section shall not apply.~~
 - ~~ii. Part-Time Non-Exempt Employees that work at least thirty (30) hours per week shall be eligible for Special Administrative Leave under this policy. In calculating the pay for said Employees under this Section 5.11.02(A)(3)(ii), said Employees shall receive the average weekly pay received by said Employee for the preceeding year, adjusted for seasonal work and hours as determined by the Clerk-Treasurer. If it is the case that said Employee has been in the employ of the Town of Highland for less than one (1) year, (but for greater than six (6) months), the average weekly pay shall be calculated using the average of the actual time worked while in the employ of the Town of Highland.~~~~
3. *Part-time non-exempt employees: All part time employees shall be compensated under special administrative leave subject to Subsection 3(i) and the following:*
 - (i) The clerk-treasurer shall be tasked with calculating the amount of such compensation based upon what the usual and ordinary pay would be for each worker according to an average of the usual schedule for that worker as determined by the last six months of compensation;
 - (ii) For all members of the fire department the compensation based upon officer designation will continue without regard to hours worked;
 - (iii) For all members of the fire department except the Fire chief, the compensation shall be based on the average of calls for the last two quarters or the actual calls, whichever is higher;
 - (iv) Part-time workers who are compensated under this section, who apply for unemployment compensation, will be required to repay the municipality for remuneration received from the State under that program;
4. That for any circumstances not addressed under this section, the Clerk-Treasurer under the Clerk-Treasurer's authority under IC 36-5-6-6(4), and the Town Council President under emergency authority are empowered to fashion a compensatory remedy consistent with law and the purposes and object of the special administrative leave provision. (*Amendment*)

(B) Before administrative leave with pay and continuation of benefits may be granted, except in the case of an illness reasonably suspected by the Employee to be the same illness that resulted in the declaration of a National Emergency as declared by the President of the United States, documentation of and rationale for the leave must be made on a form approved by and filed with the Clerk-Treasurer, and carrying the signatures of the following persons for the accompanying purposes:

1. The appropriate department head, evidencing approval; if the employee is a department head, only the signatures of the following officers will be required;
2. Chairman of the relevant Board or Commission; and
3. The Municipal Executive (Town Council President), evidencing notice of the action.

(C) In the case of an Employee who takes leave without prior approval because they reasonably suspect that they may have contracted or know that they have been exposed to the same illness that resulted in the declaration of a National Emergency as declared by the President of the United States, the approval, retroactive or otherwise, of the Special Administrative Leave will depend upon the Employee's enumerated reasons and rationale for taking said leave and an opinion from a licensed medical professional stating that said reason(s) were medically justifiable.

(D) For all compensation under 5.11.02 related to a National emergency, should be documented in a fashion that the Clerk-Treasurer prescribes.

Introduced on the 16th day of March 2020.

DULY ORDAINED AND ADOPTED this 23rd Day of March 2020, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed, as amended.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark Schocke, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

2. **Works Board Order No. 2020-08:** An Order of the Works Board Accepting the Proposal of Lounges Entertainment LLC for Professional Entertainment and Stage Services for the Town of Highland, Associated with Independence Day Festivities, and to Comply with the Provisions of IC 22-5-1.7 et seq. *(At the meeting of March 09, 2020, a motion to pass and adopt did not obtain a second. So the matter was not considered. After further review the matter is set for consideration again.)*

Councilor Zemen moved the passage and adoption of Works Board Order No. 2020-08. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2020-08**

AN ORDER OF THE WORKS BOARD ACCEPTING THE PROPOSAL OF LOUNGES ENTERTAINMENT LLC FOR PROFESSIONAL ENTERTAINMENT AND STAGE SERVICES FOR THE TOWN OF HIGHLAND, ASSOCIATED WITH INDEPENDENCE DAY FESTIVITIES, AND TO COMPLY WITH THE PROVISIONS OF IC 22-5-1.7 ET SEQ.

Whereas, The Town of Highland, as part of its exercise of public powers related to culture and recreation, generally conferred in IC 36-10-2, annually marks the anniversary of the Nation's declaration of Independence with appropriate festivals including live musical performance as entertainment;

Whereas, The *Tom Lounges Entertainment, LLC* has presented to the Community Events Commission a proposed agreement for professional entertainment and stage services for the Town of Highland to be conducted during the 2020 Independence Day Festival;

Whereas, The Community Events Commission favorably recommends to the purchasing agency, the approval of the proposed agreement for professional entertainment and stage services for the Town of Highland to be conducted during the 2020 Independence Day Festival as submitted by Tom Lounges Entertainment, LLC;

Whereas, These professional services owing to their unique requirements and character, as a service, may be purchased in a manner that is determined to be reasonable, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1) of the HMC serves as purchasing agency for the Municipality and its executive departments except those executive departments which are expressly subject to the purchasing authority of a relevant governing board of jurisdiction; and

Whereas, The purchase price exceeds \$15,000.00, pursuant to Section 3.05.040 (C) and Section 3.05.050(B)(3) of the HMC requires the express approval of the purchasing agency; and

Whereas, The purchase of services will be supported by the several funds of the Town and there is sufficient appropriation or resources in order to support the purchase of services; and

Whereas, The Town Council now desires to approve, authorize and allow the purchase of services pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1. That the proposal/agreement for professional entertainment and stage services of **Tom Lounges Entertainment, LLC**, 104 Fraser Lane, Hobart, Indiana, 46342, prepared and presented by its principal, Tom Lounges, which includes providing appropriate stage production for the events booked, all entertainment booking, providing lighting, offering emcee services, contracting and artist payments and related services according to the written terms set forth in the agreement, for the *all the days of the event* is hereby accepted, approved and adopted in every respect, provided that **Tom Lounges Entertainment, LLC** complies with the provisions of IC 22-5-1.7 et seq., and completes the relevant portions of the attached exhibit styled as Addendum for e-verify;

Section 2. That the fees for performance of the service identified in the proposal of **\$33,000** for the entertainment to be booked for the annual Independence Day festival to be conducted on and around July 4th 2020, and production services, is found to be reasonable and fair;

Section 3. That the Town Council finds and determines that the manner of purchase for these professional services owing to their unique requirements and character as a service, are both reasonable and appropriate, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

Section 4. That the Clerk-Treasurer is hereby authorized to issue a purchase order, in the proper year, to **Tom Lounges Entertainment, LLC** and to execute all documents necessary to implement the purchase of services thereof;

Section 5. That the proper officers of the municipality are hereby authorized to identify the proper funds of the municipality that may be lawfully expended in order to support and implement the purchase of these services.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23rd day of March 2020 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark J. Schocke, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

- 3. Works Board Order No. 2020-13:** An Order of the Works Board Accepting the Proposal of Mad Bomber Fire Works Productions for Professional Pyrotechnics and Fireworks Displays Services for the Town of Highland, Associated with Independence Day and New Year's Eve Festivities, and to Comply with the Provisions of IC 22-5-1.7 et seq.

Councilor Herak moved the passage and adoption of Works Board Order No. 2020-13. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2020-13**

AN ORDER OF THE WORKS BOARD ACCEPTING THE PROPOSAL OF MAD BOMBER FIRE WORKS PRODUCTIONS FOR PROFESSIONAL PYROTECHNICS AND FIREWORKS DISPLAYS SERVICES FOR THE TOWN OF HIGHLAND, ASSOCIATED WITH INDEPENDENCE DAY AND NEW YEAR'S EVE FESTIVITIES, AND TO COMPLY WITH THE PROVISIONS OF IC 22-5-1.7 ET SEQ.

Whereas, The Town of Highland, as part of its exercise of public powers related to culture and recreation, generally conferred in IC 36-10-2, annually marks the anniversary of the Nation's declaration of Independence, and the special period of New Year's eve, with appropriate festivals and fireworks and pyrotechnics displays;

Whereas, The Clerk-Treasurer, pursuant to Section 3.05.050(D)(9) of the HMC, serves as the Purchasing Agent for any department or office for which an agent is not otherwise expressly provided, and for all executive departments of the municipality; and

Whereas, The *Mad Bomber Fireworks Productions* of Kingsbury Indiana has presented to the Community Events Commission a proposed agreement for professional pyrotechnic and Fireworks Display services for the Town of Highland to be conducted on Independence Day and New Year's Eve;

Whereas, The Community Events Commission favorably recommends to the purchasing agency, the approval of the proposed agreement for professional pyrotechnic and Fireworks Display services for the Town of Highland to be conducted on Independence Day and New Year's Eve *Mad Bomber Fireworks Productions* of LaPorte, Indiana;

Whereas, These professional services owing to their unique requirements and character, as a service, may be purchased in a manner that is determined to be reasonable, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1) of the HMC serves as purchasing agency for the Municipality and its executive departments except those executive departments which are expressly subject to the purchasing authority of a relevant governing board of jurisdiction; and

Whereas, The purchase price exceeds \$15,000.00, pursuant to Section 3.05.040 (C) and Section 3.05.050(B)(3) of the HMC requires the express approval of the purchasing agency; and

Whereas, The purchase of services will be supported by the several funds of the Town and there is sufficient appropriation or resources in order to support the purchase of services; and

Whereas, The Town Council now desires to approve, authorize and allow the purchase of services pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1. That the proposal for pyrotechnic and fireworks display services of **Mad Bomber Fireworks Productions**, 3999 E. Hupp Road, Building R-3-1, LaPorte, Indiana, 46350, prepared and presented by Randy McCasland, its Director of Operations, which includes presentation of a Fireworks Display in the Evenings of July 4th, and December 31, 2020, according to the written terms set forth in the proposal, is hereby accepted, approved and adopted in every respect, provided that **Mad Bomber Fireworks Productions** complies with the provisions of IC 22-5-1.7 et seq., and provided that Mad Bomber completes the relevant portions of the attached exhibit styled as Addendum for e-verify;

Section 2. That the fees for performance of the service identified in the proposal of **\$25,000** for the fireworks display to be conducted on July 4th, and **\$5,000** for the fireworks display to be conducted on December 31 in 2020, for a total of **\$30,000** are found to be reasonable and fair for the services and *frequencies* described;

Section 3. That the Town Council finds and determines that the manner of purchase for these professional services owing to their unique requirements and character as a service, are both reasonable and appropriate, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

Section 4. That the Clerk-Treasurer is hereby authorized to issue a purchase order, if applicable, to **Mad Bomber Fireworks Productions** and to execute all documents necessary to implement the purchase of services thereof;

Section 5. That the proper officers of the municipality are hereby authorized to identify the proper funds of the municipality that may be lawfully expended in order to support and implement the purchase of these services.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23rd day of March 2020 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of

HIGHLAND, INDIANA

/s/ Mark J. Schocke, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

4. Works Board Order No. 2020-14: An Order Approving and Authorizing the Transfer of Vehicles Between the Departments of Police and Building and Inspection.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2020-14. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND
BOARD of WORKS ORDER NO. 2020-14

AN ORDER APPROVING AND AUTHORIZING THE TRANSFER of VEHICLES BETWEEN THE DEPARTMENTS OF POLICE AND BUILDING AND INSPECTION

WHEREAS, The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3);

WHEREAS, The Town Council has been advised by the Metropolitan Police Department that it has been unduly impeded in purchasing police equipped patrol vehicles owing to unusual demand and inadequate supply from the few vendors that produce these specially equipped vehicles;

WHEREAS, The Town Council, acting as the works board, at its meeting of April 22, 2019 passed and adopted Works Board Order No 2019-11, authorizing the purchase of seven (7) new police equipped Dodge Chargers from Thomas Dodge of Highland, IN, with the purchase supported in part by trade-ins of some existing Vehicles, three of which were detailed to the Building and Inspection Department, all pursuant to I.C. 5-22-8 et seq.

WHEREAS, The Metropolitan Police Chief in consultation with the Building Commissioner, owing to the difficulty in procuring police equipped vehicles, has recommended that an exchange between the departments be authorized, in which, the Police Department would proffer three (3) new Dodge Brand Durango Sport Utility Vehicles, not yet purchased, to the Building and Inspection Department, and the Building and Inspection Department would tender its three (3) Dodge Chargers, all police equipped, to the Police Department;

WHEREAS, The Metropolitan Police Chief and the Building Commissioner have further recommended that disposal of the personal property to be executed as an exchange between two executive departments of the same governmental entity, constitutes a reassignment of municipal assets within the municipality, however to the extent *that it may apply*, constitutes a transfer of personal property supported by the provisions of IC 5-22-22, sections 9 and 10;

WHEREAS The Town Council now desires to favor the recommendation and take those steps necessary to authorize and approve the exchange of the of personal property between and among two executive department of the municipality pursuant to the applicable law,

NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Town Council of the Town of Highland acting as the works board, hereby finds and determines the following:

(A) That there are certain articles of personal property possessed or owned by the municipality, through its Building and Inspection Department that are expressly described as follows:

- (1) 2019 Dodge Charger White VIN 2C3CDXKT9KH685927;
- (2) 2019 Dodge Charger White VIN 2C3CDXKT0KH685928;
- (3) 2019 Dodge Charger White VIN 2C3CDXKT2KH685929

(B) That these same articles of personal property possessed or owned by the municipality, through its Building and Inspection Department are desired by the Town of Highland, Police Department;

(C) That a transfer of the Dodge Chargers from the Building and Inspection Department is authorized provided that the Police Department obtains authorization and properly purchases three

(3) new Dodge Durango Sport Utility Vehicles, and that these be tendered to the Building and Inspection Department;

(D) That the transfer and exchange as described in this order, between the Town of Highland Building and Inspection Department and the Town of Highland Police Department, two executive departments of the same municipality, and thereby within the authority of the town as a municipal government to acquire and own interests in personal property, as well as to use and maintain and dispose of its interests in such property, all pursuant to IC 36-1-4-5 and IC 36-1-4-6 as well as the authority of the municipality to operate a government, pursuant to IC 36-1-4-2, now be hereby found to be authorized and lawful;

Section 2. That the "disposal" of the personal property described herein, to be executed as an exchange between two executive departments of the same governmental entity, constitutes a reassignment of municipal assets within the municipality, however to the extent that it may apply, constitutes a transfer of personal property supported by the provisions of IC 5-22-22, sections 9 and 10;

Section 3. That the passage and adoption of this order does not relieve the Police chief from complying with the purchasing code of the town when acquiring the sport utility vehicles;

Section 4. That any records necessary to support this exchange between departments including but not limited to the re-titling of vehicles to the proper department of the Town of Highland by this order is hereby authorized.

Be It So Ordered.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23rd day of March 2020 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark Schocke, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 5. Works Board Order No. 2020-15: An Order Overturning, Withdrawing and Repealing a Purchase Authorized under Workers Board Order 2020-10 and then Approving and Authorizing the Metropolitan Police Chief to Purchase from Thomas Dodge of Highland, IN (4) four 2020 Dodge Durango Police vehicles pursuant to I.C. 5-22-10.**

Councilor Herak moved the passage and adoption of Works Board Order No. 2020-15. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2020-15**

An Order Overturning, Withdrawing and Repealing a Purchase Authorized under Workers Board Order 2020-10 and then Approving and Authorizing the Metropolitan Police Chief to Purchase from Thomas Dodge of Highland, IN (4) four 2020 Dodge Durango Police vehicles pursuant to I.C. 5-22-10.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department;

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be no more than \$150,000.00;

Whereas, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (E) as well as Section 3.05.050 (B) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department;

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department;

Whereas, The Purchasing Agent, pursuant to IC 5-22-10, sections 4 and 5 and Section 3.05.065(E) and (F) of the Highland Municipal Code, elected to seek this purchase owing to emergency circumstances and the opportunity to get savings to the Town owing to the purchase prices being lower than that of the State QPA from Thomas Dodge, 9604 Indianapolis Blvd., Highland, IN at a stated price of \$28,288 per vehicle for (3) and \$27,897 for (1) for a total of \$112,761;

Whereas, The purchase of the vehicle will be supported duly approved appropriations in the Municipal Capital Cumulative Fund (MCCD) and in the Public Safety LIT Fund; and,

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and approves the purchase from Thomas Dodge of Highland for the purchase of four (4) 2020 AWD Dodge Durangos at the total price of \$112,761.00 minus the trade-ins of \$11,000.00, for a total price of \$101,761;

Section 2. That the Works Board hereby finds and determines that the purchase from Thomas Dodge of Highland to offer a unique savings to the Town of Highland as it is lower than the State QPA for the same vehicles and owing to emergency circumstances, all pursuant to IC 5-22-10, sections 4 & 5 and Section 3.05.065 (E) and (F) of the Highland Municipal Code;

Section 3. That the Metropolitan Police Chief is now authorized and approved as follows:

- (A) To execute the purchase agreement and any additional documents in order to implement this purchase;
- (B) To file with the Sr. Chancery/Bursar Clerk in the Office of the Clerk-Treasurer a proper list with serial numbers of the vehicles traded-in to support the recording of these disposals;
- (C) To file with the Sr. Chancery/Bursar Clerk in the Office of the Clerk-Treasurer a proper list with serial numbers of the vehicles purchased to support the recording of these acquisitions and then file all other associated documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14;

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23rd day of March 2020 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark J. Schocke, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

Comments from the Town Council:

(Good of the order)

- **Councilor Bernie Zemen:** • *Fire Department, Liaison* • *Liaison to the Plan Commission*

Councilor Zemen urged all residents to observe the Governor's order and stay at home to slow the spread of the Corona Virus COVID 19.

- **Councilor Mark Herak:** • *Budget and Finance Chair* • *Liaison to the Advisory Board of Zoning Appeals* • *Town Board of Metropolitan Police Commissioners, Liaison* • *Public Works Liaison.*

Councilor Herak echoed the remarks of Councilor Zemen. Councilor Herak also commended the Town Council President, the Clerk-Treasurer and the several department heads for their work in assisting the response to the Corona Virus Pandemic Exigency.

- **Councilor Tom Black:** *Liaison to the Board of Sanitary Commissioners • Liaison to the Board of Waterworks Directors.*

Councilor Black, responding electronically and remotely, acknowledged the Public Works Department for its great work in getting salt out on roadways during a recent cold weather incident.

- **Councilor Roger Sheeman:** *Chamber of Commerce Liaison • Liaison to the Community Events Commission • Information Technology Liaison • Redevelopment Commission Liaison • Tree Board liaison.*

Councilor Sheeman commended the IT Consultant, (Contract) Ed Dabrowski for his work in making the electronic meeting work and comply with the relevant rules regarding simultaneous communication between those remotely participating and those in the actual site of the Town Hall plenary meeting room.

- **Councilor President Mark Schocke:** *Town Executive • Chair of the Board of Police Pension Trustees • Park and Recreation Liaison.*

The Council President acknowledged the Parks and Recreation Superintendent reported that promoting participation in the Census will be included on the electronic signs located at Main Square, Lincoln Community Center and Sharp Athletic Complex

The Town Council President also commended the department heads, all the municipal employees and the Clerk-Treasurer for their work in transitioning the municipality to adjust for the social distancing requirements while preserving continuity of services during the period of the Corona Virus Pandemic.

Comments from Visitors or Residents:

There were no comments from visitors or residents.

Payment of Accounts Payable Vouchers. There being no comments from visitors or residents, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **March 10, 2020 through March 23, 2020.** Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$287,587.82; Motor Vehicle Highway and Street (MVH) Fund, \$56,952.76; Federal Forfeited and Seized Assets Fund, \$11,758.00; Law Enforcement Continuing Education, Training, and Supply Fund, \$585.09; Insurance Premium Agency Fund, \$103,563.00; Information and Communications Technology Fund, \$9,421.91; Civil Donation Fund, \$3,117.07; Special Events Non Reverting Fund, \$176.99; Police Pension Fund, \$300.00; Traffic Violations and Law Enforcement Agency Fund, \$6,000.00; Total: \$479,462.64.

Adjournment of Plenary Meeting. There being no further business before the Town Council, agenda having been completed, the Town Council President declared the regular plenary meeting of the Town Council of Monday, March 23, 2020 adjourned at 7:47 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

Approved by the Town Council at its meeting of _____, 2020.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer